

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION**

In re:

**LEROY HARRELL, SR.
CARLYN ARLETHA HARRELL,**

Debtors.

CHAPTER 13

CASE NO. 05-72935-DHA

HOMEcomings FINANCIAL NETWORK, INC.,

Plaintiff/Movant.

vs.

**LEROY HARRELL, SR.
CARLYN ARLETHA HARRELL
FRANK J. SANTORO, ESQUIRE, TRUSTEE,**

Defendants.

MOTION FOR RELIEF

NOTICE

YOUR RIGHTS MAY BE AFFECTED. YOU SHOULD READ THESE PAPERS CAREFULLY AND DISCUSS THEM WITH YOUR ATTORNEY, IF YOU HAVE ONE IN THIS BANKRUPTCY CASE. (IF YOU DO NOT HAVE AN ATTORNEY, YOU MAY WISH TO CONSULT ONE.)

IF YOU DO NOT WISH THE COURT TO GRANT THE RELIEF SOUGHT IN THE MOTION, OR IF YOU WANT THE COURT TO CONSIDER YOUR VIEWS ON THE MOTION, THEN WITHIN FIFTEEN (15) DAYS FROM THE DATE OF SERVICE OF THIS MOTION, YOU MUST FILE A WRITTEN RESPONSE EXPLAINING YOUR POSITION WITH THE COURT AND SERVE A COPY ON THE MOVANT. UNLESS A WRITTEN RESPONSE IS FILED AND SERVED WITHIN THIS FIFTEEN (15) DAY PERIOD, THE COURT MAY DEEM OPPOSITION WAIVED, TREAT THE MOTION AS CONCEDED, AND ISSUE AN ORDER GRANTING THE REQUESTED RELIEF WITHOUT FURTHER NOTICE OR HEARING.

IF YOU MAIL YOUR RESPONSE TO THE COURT FOR FILING, YOU MUST MAIL IT EARLY ENOUGH SO THE COURT WILL RECEIVE IT ON OR BEFORE THE EXPIRATION OF THE FIFTEEN (15) DAY PERIOD.

YOU WILL BE NOTIFIED SEPARATELY BY THE CLERK OF THE HEARING DATE ON THE MOTION.

NOTICE FROM SAMUEL I. WHITE, P. C.

PURSUANT TO THE FEDERAL FAIR DEBT COLLECTION PRACTICES ACT, WE ADVISE YOU THAT SAMUEL I. WHITE, P. C., COUNSEL FOR THE PLAINTIFF/MOVANT, IS A DEBT COLLECTOR, ATTEMPTING TO COLLECT THE INDEBTEDNESS REFERRED TO HEREIN, AND ANY INFORMATION WE OBTAIN FROM YOU WILL BE USED FOR THAT PURPOSE.

MOTION FOR RELIEF

The Motion of Homecomings Financial Network, Inc., by Counsel, hereby moves the Court for relief from the automatic stay and in support thereof represents unto the Court:

1. This Court has Jurisdiction over this proceeding pursuant to 28 U. S. C. Sections 157 and 1334 and 11 U. S. C. 362 (d), and that this matter is a core proceeding.

2. The Debtors filed a Petition under Chapter 13 of the Bankruptcy Code on May 24, 2005.

3. The Debtors are the owners of the real property located at 2317 Vincent Avenue, Norfolk, VA 23505, which property is described as:

ALL THOSE certain lots, pieces or parcels of land, with the buildings and improvements thereon, lying, situate and being in the City of Norfolk, Virginia, being known, numbered and designated as Lots 24 and 26, Block 42, as shown on that certain plat entitled, "Ballentine . Place, Subdivision Number 3", which said plat is duly recorded in the Clerk's Office of the Circuit Court of the City of Chesapeake, Virginia, in Map Book 10, at Page 35.

4. Plaintiff is the holder of a certain Deed of Trust Note, which Note is secured by a Deed of Trust of even date therewith and duly recorded.

5. That a Proof of Claim for pre-petition arrearages, in the amount of \$2,170.67 has been filed incident to this loan, with \$701.40 presently having been disbursed by the Chapter 13 Trustee.

6. The account is in arrears 2 post-petition mortgage installments, with the post-petition reinstatement through April, 2006 being \$2,143.79, which figure is calculated as follows:

1 monthly payments (03/06) @ \$842.79/month	\$ 842.79
1 monthly payments (04/06) @ \$1,010.51/month	\$ 1,010.51
Accrued post-petition late charges	271.60
Bankruptcy fees and costs	800.00
Sub Total	\$ 2,924.90
Debtor Suspense	(781.11)
Total	\$ 2,143.79

7. Post-petition application of payments:

Date posted to	Payment type and/or # (if available)	Amount	Post-petition month applied
06/14/05		\$1285.00	06/05
07/18/05		\$1285.00	07/05
08/15/05		\$1285.00	08/05
09/19/05		\$841.00	09/05
11/10/05		\$918.00	10/05
12/07/05		\$840.00	11/05
01/17/06		\$680.00	12/05
02/15/06		\$840.00	01/06
03/15/06		\$840.00	02/06

8. The unpaid principal balance due on said note is \$74,251.43, and the present approximate payoff balance is \$78,552.41.

9. It is the opinion of the Plaintiff that the Debtors are financially unable to maintain said obligation and that Plaintiff will suffer irreparable injury, loss and damage if it is not permitted to foreclose upon its security interest; otherwise Plaintiff is without adequate protection.

WHEREFORE, Plaintiff prays that it be granted relief from the provisions of the automatic stay with regard to the said real property in order to pursue its rights pursuant to the terms of the Note and Deed of Trust, to include the initiation of Foreclosure proceedings, and further requests that the ten (10) day stay be waived incident to any Order entered incident to the Motion for Relief herein.

HOMECOMINGS FINANCIAL NETWORK, INC.

By: /s/ D. Carol Sasser
Of Counsel
Samuel I. White, P. C.
D. Carol Sasser, Esquire, VSBN 28422
209 Business Park Drive
Virginia Beach, VA 23462

CERTIFICATE

I certify a true copy of the foregoing Motion was mailed this 27th day of April, 2006, to Frank J. Santoro, Esquire, Trustee, 1435 Crossways Boulevard, Suite #301, Chesapeake, VA 23320; Beth Ann Shapiro, Esquire, Counsel for Debtors, 1600 Virginia Beach Blvd., Virginia Beach, VA 23454; and Leroy Harrell, Sr. and Carlyn Arletha Harrell, Debtors, 2317 Vincent Avenue, Norfolk , VA 23509.

/s/ D. Carol Sasser
Samuel I. White, P. C.